

The 25th February, 1987

No. 0/1/87-6Lab./910.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s. Dalip Metal, Court Road, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA.

Ref. No. 403 of 1984.

(Old No. 298 of 1982)

SHRI RANJIT C/O SHRI SURINDER SHARMA,
INTUC OFFICE, RLY ROAD, JAGADHRI AND
THE MANAGEMENT OF MESSRS DALIP
METAL, COURT ROAD, JAGADHRI.

Present:—

Shri S. Sharma for workman.

Shri S. Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of his powers conferred,—*vide* clauses (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Ranjit and Messrs Dalip Metal, Court Road, Jagadhri originally to Labour Court, Faridabad. The terms of the reference are as under :—

"Whether termination of services of Shri Ranjit was justified and in order ; if not to what relief is he entitled?"

On Constitution of Labour Court at Ambala in April 1984, this reference was received by transfer.

Workman through his demand notice alleged that he joined service of respondent management on 1st February, 1981, his services were terminated on 19th July, 1982 in violation of provisions of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that Ranjit workman did not work with the respondent during the year 1981. He came to respondent on 15th July, 1982 and agreed to work as a Helper. On 17th July, 1982 he took an advance of Rs. 500 and agreed to pay in weekly instalment of Rs. 25 each. Thereafter, he stopped coming to the factory on 19th July, 1982. It was further contended that the workman never worked for four days. The demand notice has been moved with intention to grab the advance money. Management made offer that if the workman wants to report on duty the management is ready to take him in job.

On the pleadings of the parties the following issues were framed by my Ld. Predecessor on 7th March, 1983.

Issues :

1. As per reference.

The reference was received by transfer in this Court on 4th December, 1984. Reference was posted for management's evidence for 31st May, 1985, 23rd August, 1985 and management examined two witnesses and closed its evidence. Thereafter, the reference was posted for applicants evidence for 27th September, 1985, 13th November, 1985, 5th December, 1985, 28th January, 1986. On that day one witness was present and was examined. Case was again posted for workman's evidence for 5th March, 1986, 30th April, 1986, 18th June, 1986 and on 21st August, 1986. Workman's evidence was closed.

I have heard both the Authorised Representatives of the parties and have perused the oral and documentary evidence placed on the file. My issuewise findings are as under:—

Issue No. 1

Management in support of its case examined MW-1 Shri Narinder Singh who stated that workman Ranjit came in their service on 15th July, 1982 as a Helper on daily wages at Rs. 12.50. On 17th July, 1982 he took an advance of Rs. 500 executed receipt M-1 thereafter; the workman absented from duty. Management requested the workman to report on duty but he refused. In cross-examination this witness stated that no letter was written to Shri Ranjit for reporting on duty. Management has not kept any separate register for advances such entries are made in

cash book. Shri Narinder Singh's witness denied the suggestion that the revenue stamps bearing the signatures of the workman are removed from somewhere else and were pasted on receipt Exhibit M-1.

MW-2 Shri Gurbachan Lal stated that receipt M-1 was scribed by him at the request of both the parties. Shri Ranjit took an advance of Rs. 500 from respondent and signed the receipt. There is nothing material to his cross-examination. MW-3 Shri Chander Parkash, UDC E.S.I. Jagadhri stated that he has brought the declaration form of Messrs Adarsh Metal, Jagadhri which bears signatures of Shri Ranjit workman. In cross-examination he stated that Ranjit did not sign on this declaration form in his presence. MW-4 Shri R. L. Bhalla stated that he has brought records of Messrs Pooja Metal, Jagadhri. Workman joined service of Pooja Metal, Jagadhri on 5th November, 1984 and remained in their service up to March, 1985. He had been signing on payment register. Photostat copy of the register is Exhibit M-4/A.

Shri Ranjit workman appeared as AW-1 he stated that he joined service of respondent management on 1st February, 1981 and was removed from service on 19th July, 1982. He used to fight in the interest of the labourers, so the management felt annoyed and dispensed with his services. He stated that after 19th July, 1982 he could not find out any work. Receipt Exhibit M-1 was put to him he denied his signatures on it by saying that he does not know how to sign. He stated that the management used to make payment of his wages on simple papers and then used to destroy such papers. He never reported about the behavior of the management to any officer of Labour Department. He examined AW-2 Shri Narinder Singh who brought records of the office of Factory Inspector. He produced copy of Challan pertaining to 7th August, 1984,—vide which the Factory Inspector challan-ed the respondent. He stated that there is no challan in the records which he had brought regarding non-marking the presence of the workman.

In view of the above evidence the controversy between the parties has become clear up to this extent that as per workman he joined service of respondent on 1st February, 1981 and his services were terminated on 19th July, 1982 without any notice, without making payment of

pay, in lieu of, notice period and no retrenchment compensation was paid to him. He never took any advance from the management. However, the defence of the management is that workman joined service of respondent on 15th July, 1982, on 17th July, 1982 workman took advance of Rs. 500 in the presence of MW-2 Shri Gurbachan Lal executed advance receipt Exhibit M-1 and thereafter; on 19th July, 1982 he absented from his duty.

In support of the defence of the management one of the partners of the respondent management Shri Narinder Singh appeared, supported the case of the management on oath while Shri Gurbachan Lal one of the most independent persons also supported the management's version. While MW-3 also supported the management that Shri Ranjit workman's signatures are present on declaration. MW-4 Shri R. L. Bhalla stated that from 5th November, 1984 to March, 1985 Ranjit remained in their service and had been signing the payment register.

Shri Ranjit workman issued demand notice under his thumbing impression, from the very beginning he made up his case showing himself as an illiterate because he knew that he had executed receipt Exhibit M-1 and had signed on the receipt by taking an advance of Rs. 500. When Shri Ranjit appeared in the witness-box he denied his signatures on receipt Exhibit M-1 and also stated that he does not know how to sign. He claimed himself as illiterate person. But the statement of the workman Ranjit has been falsified by MW-1 Shri Narinder Singh and MW-2 Shri Gurbachan Lal who stated that workman Ranjit took an advance of Rs. 500 from respondent management executed receipt M-1 and signed it.

MW-3 Shri Chander Parkash, UDC office of E.S.I. Jagadhri is an most independent person who brought the declaration form of Shri Ranjit of E.S.I. Scheme which bears signature of Shri Ranjit, son of Shri Dhani Ram present workman.

MW-4 Shri R. L. Bhalla also stated that the workman remained in their employment from 5th November, 1984 to March, 1985 and had been signing in payment register on receipt of his wages. Copy of the same is Exhibit MW-4/A. So these are the instances where the workman has signed the different documents. But while coming into witness box he has denied the above facts which shows that he is a liar.

AW-1 Shri Ranjit also stated that after leaving the job of the respondent management he could not find any job and was without work is also wrong because MW-4 Shri R. L. Bhalla stated that workman remained in their service from 5th November, 1984 to March, 1985.

Workman in his cross-examination stated that he never reported about the conduct of management that they used to obtain his thumb impressions on blank papers at the time of making payment of wages; to any officer. The copy of Challan pertains to the year 7th August, 1984 and not 1981-82, so these documents Exhibit MW-2/A-B are meaningless.

In view of my above discussion I am of the considered view that the claim of the workman is in fact false and baseless and defence taken by the management is correct that the workman left the job of his own after 19th July, 1982 after taking an advance of Rs. 500. In other words workman abandoned his job of his own and the

management is still ready to take him in job as it is evident from their reply. So this issue is accordingly decided, in favour of, management against the workman. I pass award regarding the controversy between the parties accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated : 8th December, 1986.

Endorsement No. 3334, dated 10th December, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

KULWANT SINGH,

Secretary, Government Haryana,
Labour and Employments Département.

PUBLIC WORKS DEPARTMENT
BUILDINGS AND ROAD BRANCH

ROHTAK CIRCLE

The 14th May, 1987

No. 28RA/199/VI/785.—Whereas the Governor of Haryana is satisfied that the land below is needed by the Government, at public expense, for a public purpose, namely, constructing a road from R. J. R. road, Approach road to Chandpur, district Rohtak, it is hereby declared that land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 of the said Act, the District Revenue Officer-cum-Land Acquisition Collector, Rohtak is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the District Revenue Officer-cum-Land Acquisition Collector, Rotak and the Executive Engineer, Provincial Construction Division, Jhajjar.

SPECIFICATION

District	Tehsil	Locality/ Village Hadbast	Area in Acres	Rectangle/ Killa Nos.
Rohtak	Jhajjar	Chandpur, H. B. No. 239	0.22 (0.09 Hct.)	37 6, 7/1, 7/2, 8/1, 8/2, 9/1, 9/2, 12, 13, 14, 15, 28, 88, 89.

(Sd.) . . .

Superintending Engineer,
Rohtak Circle, P. W. D., B. & R.
Branch, Rohtak.